

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
(609) 989-0508

Chambers of
Peter G. Sheridan, U.S.D.J.

Clarkson Fisher Building and U.S. Courthouse
402 East State Street
Trenton, NJ 08608

TO: Counsel of Record
FROM: Peter G. Sheridan, U.S.D.J.
DATE: February 13, 2020
RE: *Lasry v. JP Morgan Chase & Co.*, 18-cv-09776-PGS-DEA
Sanctions and Attorneys' Fees and Costs

On November 5, 2019, this Court held a hearing regarding the sanctions and attorneys' fees issues in the above-captioned matter. The Defendant, Chase Bank, seeks "sanctions against the Rephen Firm, Marcus Harvey Rephen, and Edward B. Geller, Esq., under 28 U.S.C. § 1927 and [the Court's] inherent authority" in the amount of Chase Bank's attorneys' fees and costs. (Def.'s Response to Pl.'s Post-Trial Br. 15, ECF No. 37).

After reviewing the parties' submissions, it is unclear whether this Court has jurisdiction over Mark Harvey Rephen and the M. Harvey Rephen & Associates, P.C. (the "Rephen Firm"). Mr. Rephen has not entered an appearance in this case and is not the signatory of any of Plaintiff's papers. Mr. Geller, Plaintiff's counsel of record, however, is "Of Counsel" to the Rephen Firm, and is the signatory to Plaintiff's papers, including the Complaint. (*See* ECF No. 1). Specifically, he signs Plaintiff's papers as "Edward B. Geller, P.C., Of Counsel to M. Harvey Rephen & Associates, P.C., 15 Landing Way, Bronx, New York." (*See* ECF Nos. 1, 36). Yet, it is unclear precisely what Mr. Geller's "of counsel" designation means. In addition, Mr. Geller's Bronx

address is different from the Rephen Firm's, which appears to be 708 3rd Ave, New York, NY 10017¹.

Therefore, the Court directs the parties to brief the issues of whether: (1) this Court has jurisdiction over Mark Harvey Rephen and the Rephen Firm; (2) the scope of Mr. Geller's "Of Counsel" designation; and (3) the applicability of Federal Rule of Civil Procedure 11's requirements.

The parties must submit their briefs on or before February 21, 2020. The briefs shall conform to the requirements of the Local Civil Rules and shall be no more than 10 pages in length.

¹ See <http://mharveyrephenlaw.com/contact-us/>.